

SATURDAY, NOVEMBER 26, 1870.

## FRAUDS.

The most impudent of all the brazen assertions of the justly vanquished Brady party are those about frauds. Such rascals talking virtuously of fraud is richness! If frauds have prevailed anywhere, they are most glaring and easily proven where Brady has majorities. Let us examine facts.

Yuma county has a population of about 1900 and cast 708 votes; Yavapai has a population of 2134 and cast as per latest advices, but few votes either way from 1050. This gives one vote to 2½ population in Yuma, and one to 2 persons in Yavapai. Yuma gave McCormick a majority and Yavapai, Brady. According to population, frauds are more apparent in the only Brady stronghold.

Again, well informed men of both parties wrote us before and since election that at Phenix every voter there was known and did not aggregate 90, and that McCormick should have 35 to 40 and Brady 40 to 50; the former got 35, the latter 148! One of the Phenix election clerks sends a list of names of over 60 illegal voters all of whom voted for Brady. Two Democrats, one a Brady man, write protesting of the bold frauds perpetrated there in the interest of Brady; another Democrat writes "75 votes cast here for Brady can be declared illegal". Other letters are to the same effect, and ask that something be done to punish the guilty ones.

At Adamsville, a Brady precinct, many fraudulent votes were cast, and a letter from there says "every illegal vote cast here was for Brady".

Whose vote was swelled by fraud? Brady's.

The subject will have further investigation.

**SAN DIEGO AS A HEALTH RESORT.**  
—The New York Tribune has the following suggestive paragraph:

"The California coast may yet be selected in preference to any other part of the world as a resort for consumptives, the more southern portion of that State surpassing, in respect to the two essentials—equable temperature and dry air—the Riviera or the Island of Madeira. The extremes of temperature in January and July and the rainfall in the three localities are thus stated: Mentone, 40 and 73 degrees temperature, with 23 inches rainfall; Funchal, 60 and 70 degrees, with 30 inches; San Diego, 51 and 72 degrees, with only 10 inches rainfall. If these facts can be generally made known, and the inference as to the suitability of the climate be correct, that which is worth to invalids more than all her gold may be found on our Pacific shore.

We are not surprised to hear that a number of invalids from the East have taken rooms in the Horton House, the finest hotel in Southern California. Whatever the delay in completing the Southern Pacific R. R. we are confident the climate of San Diego must make that city a favorite resort and soon give to it a large population.

## U. S. District Court.

Judge John Titus, presiding, and O. Backalew, clerk. This court opened Nov. 21, the following cases were called and upon hearing dismissed. The U. S. vs. the property of the annexed named persons: Charles Laurer, F. A. Neville, Alfred Friar, G. H. Oury, Palatine Robinson, Elias Brown. These actions were commenced in 1864, for the confiscation of the property of defendants, and after dragging along for so many years have all been dismissed. Next week we shall give the history and many incidents of these suits.

After the disposal of these cases, the court adjourned to next Monday.

DAYS warm and nights cool this week.

The next Eastern mail leaves to-morrow evening at five o'clock.

THIRTY teams of Capt. Mowry arrived this week.

## THAT "ADDRESS."

We lately referred to the infamous character of the address put forth in the recent campaign by Dooner, and "heartily endorsed" by the so-called "Democratic General Committee," consisting of F. M. Hodges, D. A. Bennett, S. Drachman, E. Woods and A. Levin.

The sentiments of this precious document were such as to arouse just indignation among all thinking, truthful men. Of its vehement and uncalled-for attack upon the Republican party we will not speak, but its intimation that the Democracy embraces all the honest people of the Territory is one that must be condemned as both untrue and in bad taste. There are many honest men in the Territory who are not in sympathy with the Democracy, but yet who have been willing to vote for Democrats upon an independent People's ticket. The support given the successful ticket in this County shows this to have been the case in the recent election.

The charge of the "address" that officials have been sent to the Territory with instructions "to rob to the best of their ability" is of course basely false, and was known to be so when made. As a class, the federal officers of Arizona have been men of high character and ability, and not men lacking success at the East, but men successful there in all their undertakings, and at this time we point to the entire list with especial pride. We undertake to say that no Territory in the Union has a more upright, capable or influential set of officers. Our Delegates have all been men of ability and good political and social standing, and the financial condition of the Territory and its reputation in the Departments prove the utter falsity of the bold accusations of this remarkable "address."

No interests whatever have been bartered at Washington, as it is further alleged, nor has there been any representation that can in any just sense be called "carpet bag representation." The intimation was for simple buncombe, and is for such wherever made. All the Delegates have been from the pioneers in the Territory and as deeply interested in it, and thoroughly identified with it, as any of those who signed this "address," and much more so than several of them.

We do not, however, object to new comers, but abominate the doctrine against them advanced by this "address." All persons who are citizens of the Territory and electors thereof have an equal right in the government of the country and to be the representatives of the people in any official capacity. It matters not whether a man came here in 1863 or in 1869-70, if he has shown himself a good citizen he is entitled to every consideration. We supported Governor McCormick not so much because of his being a pioneer as for his having proven himself the true and earnest friend of the country and a power at Washington. We opposed Mr. Brady, not because he was a pioneer, but because we believed him not well qualified to render effective service in Congress, and we rejoice in his defeat for this reason.

The fact that a man is an "old pioneer" (if he is incapacitated for any cause to be serviceable to Arizona in Congress) is no sufficient reason, of itself, that he should be elected our Delegate.

There are some "pioneers" here, as elsewhere, who could do the Territory an infinite amount of good if they would pack up their "carpet bags" and leave it, and "stand not upon the order of their going, but go at once."

We want energy, young, vigorous blood, instead of old croakers, that damn the Territory and the government and every new comer who may seek a home here, and it is of as much importance to get rid of these grumblers and drones as it is of the thieving and murderous Apache. The one is as damaging to the best interests of the country as the other. The "pioneers" who have tried to develop the

country, and who are its real friends, will welcome all worthy people as they arrive, from whatever quarter they may come, and, as Arizona's great need is population, will do everything to invite and encourage settlers rather than to repel them.

We have said enough to show that the "address" we have thus hastily reviewed was sufficient in itself to lead all the Territorial officers to desire the success of McCormick and the defeat of a set of men who could favorably endorse such an unfair and unwarrantable document. We need say no more excepting to call attention to its closing prediction, that Pima County would give Brady an overwhelming majority. Such a prediction was in full keeping with the remainder of the "address," and we are not surprised that it was formally signed by a shameless scoundrel like Dooner, who at the time was not even a citizen, or by a simpleton like Sam Drachman, or by a short sighted and disappointed stranger like Bennett; but we are at a loss to know why men like Hodges, Wood and Levin who have some reputation for political fairness and sagacity, should have committed themselves to such an egregious blunder.

## District Court.

Nov. 21, the cases of Milton B. Duffield and J. E. McCaffry, noticed in our last number, were called and postponed until June 13, 1871, inasmuch as Judge Titus is an important witness in each, and another Judge will then preside, as about that time the other Judges will be present in Tucson to hold a session of the Supreme Court.

Several civil cases were called and continued.

The Territory of Arizona vs. Felipe Amabiza.

This case was tried before a jury on the 23d instant, James E. McCaffry, District Attorney for Pima County for prosecution and Hon. Coles Bashford for the defence.

The indictment was found in Yuma County, where the defendant resides, in May last.

The venue was changed on the application of the defendant to this Court.

The indictment was for branding a certain cow with the brand of the defendant, it being alleged that said cow was the property of another person, in violation of the following statute, Howell Code, Page 57, Section 65, to-wit:

"Every person who shall mark or brand alter or deface the mark or brand of any horse, mare, colt, jack, jennet, mule, or any one or more head of neat cattle or sheep, goat, hog, sheep, or pig not his or her own property, but belonging to some other person, or cause the same to be done, with intent thereby to steal the same, or to prevent identification thereof by the true owner, shall on conviction thereof be punished by imprisonment in the Territorial prison for a term not less than one year nor more than five years."

The prosecution being unable to procure their witnesses, the defendant being determined on having a verdict of jury on the charges against him, consented that the case be tried on the testimony as taken before the Justice of the Peace on the primary examination, which was full and complete.

The testimony tended to show that there was a dispute about the ownership of the cow in question. That the defendant had purchased a large number of Texas cattle, of various brands. That in case the defendant was not the owner of the cow, he had good reason for believing that he was such owner. And that the trouble grew out of a confusion of brands, and that there was no intent on the part of the defendant to steal the cow, or in anywise to appropriate her to his own use unlawfully.

After the case had been argued to the Jury by counsel, and an able and clear charge to the Jury from the Court, the Jury retired to their room, and in about three minutes came into court with a verdict that the defendant was not guilty of the crime charged against him.

El Territorio de Arizona contra Felipe Amabiza.

Este caso fue juzgado ante el jurado el 23 del corriente en el cual J. E. McCaffry era por el actor y el Hon. Coles Bashford por el acusado.

La querrela se formo en el condado de Yuma en donde residia el acusado en Mayo pasado.

Se efectuó cambio de lugar a este condado por aplicacion del acusado.

La querrela fue por haber herrado una cierta vaca con la marca del acusado afirmandose que la tal vaca pertenecia a otra persona, violando asi el estatuto siguiente,Codigo de Howell, Pagina 57, Seccion 65, a saber:

"Cualquier persona que marque herre altere o borre la marca Fieno de cualquier caballo yegua, potro, burro, mulo cualquier otro u otros animales domesticos o carnero, cabra, cerdo o lechon no siendo de el o de ella sino perteneciendo a otra persona o que se haga hacer por medios agenos con intencion de robar lo mismo o impedir la identificacion del propio dano; sera en caso de estar convicto castigado con encarecimientos que ni sea menos de un ano ni pase de cinco."

Siendo el actor incapaz de producir evidencias determinandose el acusado en caso de tener el dictamen del jurado sobre los cargos hechos contra el a consentir en que se juzgase el caso con las evidencias que se habian tomado ante el Juez de Paz en la examinacion primaria la cual era perfecta y completa.

El testimonio tendia a mostrar que habia una disputa sobre la posesion legitima de la vaca en cuestion.

Que el acusado habia comprado un gran numero de vacas Tejanas con varios fierros.

Que en caso que el acusado no fuese el dueño de la dicha vaca tenia buenas razones para creer que si lo era.

Y que la dificultad dimanó de una confusion de marcas no habiendo intencion de parte del acusado para robarse la vaca, ni de ninguna manera a preciarla para su propio uso ilegítimo.

Después de que se hubo disputado el caso y que se hizo un bien explicado cargo al Jurado por parte de la Corte, el Jurado se retiró a su cuarto, y en caso de tres minutos vinieron a la corte con el dictamen de que el acusado no era culpable del crimen que se lo imputaba.

Nov. 24, Juan Borquez vs. Leopoldo Carrillo—verdict for plaintiff.

November 25, N. B. Apple versus Sylvester Mowry, action for debt. Verdict for plaintiff in the sum of \$280 U. S. currency and interest at ten per cent. per annum from July 29, 1862; also the sum of \$5,039.74 U. S. currency, and legal interest from Jan. 1, 1863; also the sum of \$50 U. S. currency and legal interest from Jan. 3, 1863.

Case of Alonzo Brown versus W. J. Osborne was submitted to the Court for determination.

Court in session to-day, Nov. 26.

## Probate Court.

Nov. 24, court met pursuant to adjournment. Present, John Anderson, Judge, and F. H. Goodwin, Clk. The petition of Charles A. Shidell for appointment as administrator of the estates of Thomas R. Harris and George Macumber were heard and granted, and bonds of \$1,000 in each case were ordered to be given.

Nov. 25, W. O. Ferguson, James Shea and G. O. Brown were appointed appraisers of the estates of Thomas R. Harris and George Macumber.

On petitions of Administrator Shidell to sell real estate of both the above-named estates, it was ordered that on December 5th there should be a hearing and determination of the same.

Application to sell real estate at private sale, of the estate of J. P. Stone, was made by George Stone, Administrator, and hearing set for December 5.

JUST SO.—In one of our letters of congratulation from an old citizen is the following:

"The CITIZEN was needed. The Arizona did not amount to shucks. Its editor never had two ideas above an oyster."

## NEW ADVERTISEMENTS.

## NOTICE.

A. J. FINLAY is hereby appointed Agent of the Colorado Steam Navigation Company at Yuma, in place of E. D. TUTTLE, resigned.

J. POLHAMUS, Jr.,  
Superintendent.  
Nov. 19. 11.

**SMITH & CRAIGUE,**  
Wholesale Dealers in  
FINE WINES,

LIQUORS,

And CIGARS,

**Brick Building,**  
Corner of Fourth and K Streets,  
**New San Diego.**

Nov. 19. 11.

**W. B. BANCROFT,**  
Wholesale and Retail

—DEALER IN—

BOOKS,

STATIONERY,

NEWSPAPERS,

MAGAZINES,

&c., &c., &c., &c.  
Goods at San Francisco prices. Corner  
of 5th and G Streets, NEW SAN DIEGO,  
California.  
Nov. 19. 11.

**A. PAULY & SONS,**  
Forwarding & Commission  
**MERCHANTS.**

Goods sent in our care will be forwarded over the Fort Yuma Road with the patch. Mark goods care  
A. P. & SONS, San Diego, California,  
Nov. 19. 11.

**CONGRESS HALL**  
**C. O. Brown, Proprietor.**

IN CONGRESS HALL BUILDING, TUCSON, ARIZONA.

The Proprietor would respectfully announce to the community of Tucson and traveling public, that he has refitted his House in the latest style, and cannot be excelled east of San Francisco, or west of St. Louis for neatness, order, or accommodations.

Keeps constantly on hand a large supply of the best quality of WINES and LIQUORS of all kinds, and the choicest brands of WINES and FRENCH BRANDIES for medicinal purposes. Also just received a large quantity of the finest imported Havana Cigars.

A large and spacious BILLIARD ROOM, elegantly furnished and fitted up, where the guests may entertain themselves after their own tastes.

Nov. 19. 11.

**LORD & WILLIAMS**

(POST OFFICE BLOCK)

**TUCSON, - ARIZONA;**

KEEPS constantly on hand a full assortment of

CLOTHING,

DRY GOODS,

HATS & CAPS,

 **BOOTS & SHOES,** 

**HARDWARE,**  
**GROCERIES & PROVISIONS**  
**TINWARE,**  
**LIQUORS & SEGARS,**

[All fresh and desirable]

Which they offer to the public at the lowest Cash Prices. All kinds of country produce bought.

All orders from outside parts promptly attended to. Cash advanced on consignments.

C. H. LORD.

W. W. WILLIAMS.